

**BUSINESS REPORT**

**MONTANA SENATE  
63rd LEGISLATURE - REGULAR SESSION**

**SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE**

**Date:** Wednesday, January 16, 2013  
**Place:** Capitol

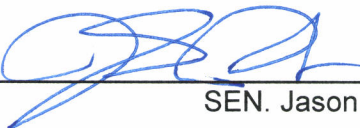
**Time:** 3:00 PM  
**Room:** 317-A

**BILLS and RESOLUTIONS HEARD:**  
No bills heard.

**EXECUTIVE ACTION TAKEN:**

SB 7 - MOTION DO PASS AS AMENDED withdrawn (Partial Action)  
SB 43 - DO PASS AS AMENDED  
SB 51 - DO PASS

**Comments:**

  
SEN. Jason Priest, Chair

# MONTANA STATE SENATE

## Roll Call

### PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

DATE: Jan. 16, 2013

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
CHAIRMAN JASON PRIEST	X	
VICE CHAIRMAN TERRY MURPHY	X	
SENATOR MARY CAFERRO	X	
SENATOR GREG JERGESON	X	
SENATOR FRED THOMAS	X	
SENATOR DAVE WANZENRIED	X	
SENATOR ART WITTICH	X	



## SENATE STANDING COMMITTEE REPORT

January 16, 2013

Page 1 of 3

Mr. President:

We, your committee on **Public Health, Welfare and Safety** recommend that **Senate Bill 43** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

  
*Senator Jason Priest, Chair*

**And, that such amendments read:**

1. Title, page 1, line 8.

**Strike:** "INVESTIGATORS ARE EMPLOYEES OF"

**Insert:** "INVESTIGATIONS BE CONDUCTED BY"

2. Page 1, line 19.

**Following:** "abuse"

**Insert:** "and injuries from an unknown source"

3. Page 1, line 20.

**Following:** "abuse"

**Insert:** "and each injury from an unknown source"

4. Page 1, line 21.

**Following:** "facility"

**Insert:** "and to the department of justice"

**Strike:** "there must be"

**Insert:** "the residential facility shall maintain"

**Following:** line 21

**Insert:** "(a) each allegation and each injury from an unknown source has been reported to the department of justice;"

**Renumber:** subsequent subsections

5. Page 1, line 22.

**Following:** "allegation"

**Insert:** "and each injury from an unknown source"

**Committee Vote:**

**Yes 7, No 0**

**Fiscal Note Required** \_\_\_\_

SB0043001SC.swr

**Following:** "stated;"

**Strike:** "and"

6. Page 1, line 23.

**Following:** "allegation"

**Insert:** "or injury from an unknown source"

7. Page 1, line 24.

**Following:** "incident"

**Insert:** ";"

**Following:** "and"

**Insert:** "(d)"

8. Page 1, line 28.

**Following:** "42 U.S.C. 15043(a)(2)"

**Insert:** ", within 5 business days of the incident. The residential facility may not redact any information that is provided pursuant to this subsection"

9. Page 1, line 29.

**Following:** "section"

**Insert:** "to the same extent that the reports are confidential under state and federal laws applicable to the residential facility"

10. Page 2, line 2 through line 3.

**Strike:** line 2 through line 3

**Insert:** "(5) Upon receiving a report of an allegation of mistreatment, neglect, or abuse or of an injury from an unknown source, the department of justice shall conduct a thorough investigation of each allegation or each injury from an unknown source and provide a written report of its investigation and findings to the superintendent of the residential facility within 5 business days of the incident.

(6) The residential facility shall provide the department of justice with access to records and other information necessary to conduct investigations under this section. The department of justice shall maintain the confidentiality of any information received in the course of conducting investigations under this section to the same extent that the information is confidential under state and federal laws applicable to the residential facility.

(7) If a state licensing authority or federal medicaid certification authority issues a statement of deficiency indicating that the residential facility has failed to meet licensing or certification standards due to the thoroughness or timeliness of an investigation conducted under this section, the department of justice shall participate in preparing a plan of

correction to restore the residential facility's compliance with licensing or certification standards.

(8) If in the course of conducting an investigation under this section the department of justice develops reasonable cause to believe that a criminal offense has occurred, the department of justice shall refer the matter to the appropriate local law enforcement agency."

- END -



## SENATE STANDING COMMITTEE REPORT

January 16, 2013  
Page 1 of 1

Mr. President:

We, your committee on **Public Health, Welfare and Safety** recommend that **Senate Bill 51**  
(first reading copy -- white) **do pass.**

Signed: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "JP", is written over a horizontal line.

*Senator Jason Priest, Chair*

- END -

**Committee Vote:**

**Yes 7, No 0**

Fiscal Note Required ☐

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